

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

MARK FORKNER (01)

Case No. 4:21-CR-00268-O

**DEFENDANT'S AGREED MOTION TO CONTINUE CERTAIN PRETRIAL
DEADLINES**

Defendant, MARK FORKNER, moves the Court to extend certain pretrial deadlines set out below. On November 10, 2021, the Court granted a second continuance of this trial, to February 7, 2022, and continued pretrial deadlines to the second half of December. (ECF No. 42) The defense now moves to postpone some of those until January, and the Government agrees. Specifically, the agreed request is to adjust the following deadlines:

| Current | Item | |
|-------------|--|-------------------------|
| December 15 | A motion for bill of particulars a motion for discovery; and a motion challenging the FAA's assertion of the Touhy regulations | December 15 (no change) |
| December 29 | Reply to the above motions | December 29 (no change) |
| December 15 | Other Pretrial Motions | January 3 |
| December 22 | Defense Expert Witness Designations | January 12 |
| December 26 | Challenges to Experts | January 17 |
| December 29 | Gov't responses to defense motions filed January 3 | January 17 |
| December 29 | Gov't gives proposed charge to Defense | January 10 |
| December 30 | Defense gives proposed charge to Govt | January 11 |
| December 31 | Parties meet/file agreed charge | January 12 |

Reason for this Request

As the Court knows, the defense received over 315,000 “hot documents” around November 2, and access to a discovery database with 67.2 million documents around November 22. The discovery includes interviews of over 100 relevant witnesses — some witnesses have several interviews. Since November 22, 2021, the government has made additional productions. The defense has added considerable resources to conduct the necessary search, review, and analysis of these voluminous documents. We have made significant progress—including locating materials the defense considers to be exculpatory, although the government asserts there is no such evidence. However, we still have barely scratched the surface of this extensive discovery.

More time is necessary to effectively investigate leads from this evidence and make informed decisions regarding appropriate motions, jury instructions, and the hiring and use of experts. However, the defense proposes, and the government agrees, to bring certain “discovery-type” issues to the Court by December 15, with the government responding by December 29. Defense Counsel believes the government’s response will provide further leads for investigation.

For all these reasons, and with the government’s agreement, we move to extend the pretrial deadlines outlined in the above table.

Respectfully submitted,

/s/ Jeff Kearney
JEFF KEARNEY
Texas Bar Number: 11139500
CATHERINE STANLEY
Texas Bar Number: 24110542
KEARNEY LAW FIRM
One Museum Place
3100 West 7th Street, Suite 420
Fort Worth, Texas 76107
jkearney@kearneylawfirm.com
cstanley@kearneylawfirm.com
Phone: 817-336-5600
Fax: 817-336-5610

/s/ David Gerger
David Gerger
State Bar No: 07816360
GERGER HENNESSY & MCFARLANE LLP
1001 Fannin, Suite 2450
Houston, Texas 77002
dgerger@ghmfir.com
Phone: 713-224-4400
Fax: 713-224-5153

CERTIFICATE OF CONFERENCE

I hereby certify undersigned counsel conferred with Assistant United States Attorney Cory Jacobs, who stated the Government does not oppose Defendant's Agreed Motion to Continue Certain Pretrial Deadlines.

/s/

JEFF KEARNEY

CERTIFICATE OF SERVICE

I hereby certify this Motion was electronically filed, and Assistant United States Cory Jacobs was electronically served via this Court's Electronic Filing System on this 10th day of December 2021.

/s/

JEFF KEARNEY